

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Child Care Act of 1969 is amended by changing Section 5.5 as follows:

(225 ILCS 10/5.5)

Sec. 5.5. Smoking in day care facilities.

(a) The General Assembly finds and declares that:

(1) The U.S. government has determined that secondhand tobacco smoke is a major threat to public health for which there is no safe level of exposure.

(2) The U.S. Environmental Protection Agency recently classified secondhand tobacco smoke a Class A carcinogen, ranking it with substances such as asbestos and benzene.

(3) According to U.S. government figures, secondhand tobacco smoke is linked to the lung-cancer deaths of an estimated 3,000 nonsmokers per year.

(4) Cigarette smoke is a special risk to children, causing between 150,000 and 300,000 respiratory infections each year in children under 18 months old, and endangering between 200,000 and one million children with asthma.

(5) The health of the children of this State should not be compromised by needless exposure to secondhand tobacco

smoke.

(b) ~~It Beginning January 1, 1994, it~~ is a violation of this Act for any person, ~~on any day when the center is in operation,~~ to smoke tobacco in any area of a day care center ~~in which children are allowed, regardless of whether or not any children are present at that moment.~~

(c) ~~It Beginning January 1, 1994, it~~ is a violation of this Act for any person to smoke tobacco in any area of a day care home or group day care home ~~in which day care services are being provided to children, while those children are present. This subsection does not prohibit smoking in the home in the presence of a person's own children or of children to whom day care services are not then being provided.~~

(d) It is a violation of this Act for any person responsible for the operation of a day care center, day care home, or group day care home to knowingly allow or encourage any violation of subsection (b) or (c) of this Section.

(Source: P.A. 88-95.)

Section 99. Effective date. This Act takes effect upon becoming law.